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Fish and Wildlife Service

Fishery Leaflet 152

Chicago 54, Ill. December 1945

UNEMPLOYMENT INSURANCE INFORMATION FOR FISHERMEN AND ALLIED WORKERS[1/]

SOUTH ATLANTIC STATES
NORTH CAROLINA
SOUTH CAROLINA
GEORGIA
FLORIDA

Note: This information is a digest of Unemployment Insurance Laws (as of September 1, 1945) with specific application to fishermen and allied workers in the States of North Carolina, South Carolina, Georgia, and Florida. This presentation is necessarily not complete; it is an interpretation by the Fish and Wildlife Service of the existing laws, and is subject to correction by courts or administrative agencies.

1/ Compiled by the Economics and Cooperative Marketing Section, Division of Commercial Fisheries.

NORTH CAROLINA

Source: North Carolina Unemployment Compensation Law (original act effective December 16, 1936; latest amendments effective March 13, 1945).

Fishermen and Allied Workers Covered.--Fishermen are not covered in this State but shore or allied workers are covered under the unemployment compensation law of this State, according to a statement of February 12, 1945, signed by the Chairman of the North Carolina Unemployment Compensation Commission, quoted in part, as follows:

" . . . . our law excludes from coverage services performed as an officer or member of a crew of a vessel on the navigable waters of the United States. This exclusion removes commercial fishermen in North Carolina, as such fishermen operate in navigable waters. Any processing of fish which is performed on shore, however, is covered by our law, if the processor employs eight or more people for twenty weeks."

Employment Not Covered.--(a) services with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress; (b) services as an officer or member of the crew of a vessel on the navigable waters of the United States; (c) family services; (d) services as casual labor not in the course of the employing unit's trade or business.

Employers Covered.--Those having eight or more employees in any 20 weeks in the current or preceding calendar year.

Eligibility of Employees

(1) Minimum amount of earnings necessary - $130 during preceding calendar year.
(2) Waiting period - an applicant must wait one full week of unemployment or two weeks of partial unemployment before receiving benefits. Such weeks of unemployment need not be consecutive. Applicants terminated from the Armed Forces are not required to serve a waiting period.

Payments

(1) Maximum and minimum weekly benefit payments - $20 is the maximum amount that the applicant may receive weekly, and $4 is the minimum weekly amount that may be received as unemployment benefits,* less wages, if any, in excess of $2.
(2) Maximum number of weeks payable - 16 weeks.
(3) Total benefit payments to applicants terminated from the Armed Forces are covered by special benefit provisions.

Contributions

(1) Employers contribute from .27% to 2.7% of wages paid (not in excess of $3,000) to each employee. Rates are determined b

* For benefit year beginning March 13, 1945.

the Commission according to employment records.

(2) Employees contribute no part of earnings toward unemployment benefits.

Disqualifications for Benefits.--Applicants are disqualified in the following cases:

(1) Leaving Work Voluntarily.--For not less than four or more than twelve consecutive weeks of unemployment, which occur within a benefit year, beginning with the first day of the first week after the disqualifying act occurs with respect to which week an individual files a claim for benefits (in addition to the waiting period) if it is determined by the Commission that such applicant is, at the time such claim is filed, unemployed because he left work voluntarily without good cause attributable to the employer, and the maximum benefits due said individual during his then current benefit year shall be reduced by an amount determined by multiplying the number of such consecutive weeks of unemployment by the weekly benefit amount.

(2) Discharge for Misconduct.--For not less than five or more than twelve consecutive weeks of unemployment, which occurs within a benefit year, beginning with the first day of the first week after the disqualifying act occurs with respect to which week an applicant files a claim for benefits (in addition to the waiting period) if it is determined by the Commission that such individual is, at the time claim is filed, unemployed because he was discharged for misconduct connected with his work, and the maximum amount of benefits due said applicant during his then current benefit year shall be reduced by an amount determined by multiplying the number of such consecutive weeks of unemployment by the weekly benefit amount.

(3) Discharge for Larceny or Embezzlement.--An applicant's benefits, based upon wages earned in the base period applicable at the time of his discharge for larceny or embezzlement in connection with his employment, shall be cancelled, upon his conviction in court or confession of guilt.

(4) Failure to Apply for or to Accept Suitable Available Work.--For not less than four, or more than twelve consecutive weeks of unemployment, which occur within a benefit year, beginning with the first day of the first week after the disqualifying act occurs with respect to which week an applicant files a claim for benefits (in addition to the waiting period) if it is determined by the Commission that such individual has failed without good cause to apply for available suitalbe work when so directed by the employment office of the Commission, or to accept suitable work when offered him, or to return to his customary self-employment, if any, when so directed by the Commission, and the maximum amount of benefits due said individual during his then current benefit year shall be reduced by an amount determined by multiplying the number of such consecutive weeks of unemployment by the weekly benefit amount.

In determining whether or not any work is suitable for an individual, the Commission shall consider the following: (a) the degree of risk involved to his health, safety, and morals; (b) physical fitness and prior training; (c) experience and prior earnings; (d) length of unemployment and prospects for securing local work in his customary occupation; (e) distance of the available work from his residence.

Notwithstanding any other provisions of this Act, no work shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(5) Labor Dispute.--For any week with respect to which the Commission finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed, provided that this subsection shall not apply if it is shown to the satisfaction of the Commission that: (a) he is not participating in, or financing, or directly interested in the labor dispute which caused the stoppage of work; (b) he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in, or financing, or directly interested in the dispute. If in any case separate branches of work which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each such department shall be deemed to be a separate factory, establishment, or other premises.

(6) Receipt of Other Compensation.--For any week with respect to which he is receiving or has received wages in lieu of notice. If such remuneration is less than the benefits which would otherwise be due under this Act, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration. For any week after June 13, 1939, with respect to which he shall have or assert any right to unemployment benefits under an unemployment compensation law of either the Federal or a State Government, other than the State of North Carolina.

An applicant terminated from the Armed Forces shall be ineligible for benefits until after exhaustion of his rights to readjustment allowances under the Servicemen's Readjustment Act of 1944.

(7) False Statement.--For the remainder of any benefit year during which he has received benefits by reason of intentional non-disclosure or misrepresentation by him, or by another with his knowledge, of a material fact.

(8) Pregnancy.--In any week in the three-months period immediately before the expected birth of a child and in any week in the three-weeks period immediately following the birth of a child, except upon the death of the child.

(9) Vacation Period.--For the two-week period in any benefit year during which period he is unemployed due to a customary and well established vacation, if employment will be available to him at the end of such vacation.

Where to Apply for Benefits.--Register at the local United States Employment Service Office immediately upon becoming unemployed.

UTH CAROLINA

Source: South Carolina Unemployment Compensation Law (original act effective June 6, 1936; latest amendment effective July 20, 1945).

Fishermen and Allied Workers Covered.--These workers are covered under the provisions of the South Carolina Unemployment Compensation Law according to a statement of April 16, 1945, signed by the Assistant General Counsel, Unemployment Compensation Commission, and quoted, in part, as follows:

" . . . . fishermen who are engaged solely in fishing would be 'covered' by the Act. On the other hand, such individuals as the captain, mates, seamen, cooks, and engineers would be exempt . . . . A number of fish packing houses, processors, canners, distributors, and marketers are 'covered employers.' It is my understanding that they pay the unemployment compensation tax on the fishermen engaged by them. There are certain independent fishing concerns that are not liable employers in that none employ eight or more individuals in South Carolina for as many as twenty weeks in a calendar year, and hence, do not have the requisite number of employees upon whose employment liability can be assessed."

Employment Not Covered.--Services of: (a) casual labor not in the course of the employing unit's trade or business; (b) an officer or member of the crew of a vessel on the navigable waters of the United States; (c) family services; (d) services with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress; (e) service for fishermen's cooperative organizations, if wages in any calendar quarter do not exceed $45, or if performed by students.

Employers Covered.--Those having eight or more employees in any 20 weeks in the current or preceding calendar year.

Eligibility of Employees

(1) Minimum amount of earnings necessary - $120 in first four of last five completed calendar year quarters.
(2) Waiting period - one full week of unemployment before receiving benefits. Applicants terminated from the Armed Forces are not required to serve a waiting period.

Payments

(1) Maximum and minimum weekly benefit payments - $20 is the maximum amount that the applicant may receive weekly, and $4 is the minimum weekly amount that may be received as unemployment benefits, less wages, if any, in excess of $1.

(2) Maximum number of weeks payable - 16 weeks.

Contributions

(1) Employers contribute from 0.9% to 3.6% of wages paid (not in excess of $3000) to each employee. Rates are adjusted according to records of employment experience.

(2) Employees contribute no part of their earnings toward unemployment compensation.

Disqualifications for Benefits.--Applicants shall be disqualified in the following cases:

(1) Leaving Work Voluntarily.--For the week in which he has left his most recent work voluntarily without good cause, if so found by the Commission, and for not less than one or more than five weeks of disqualification (in addition to the waiting period). Number of weeks shall be determined by the Commission according to the circumstances in each case.

(2) Discharge for Misconduct.--For the week in which he has been discharged for misconduct if said misconduct be found by the Commission to have constituted reasonable grounds for discharge and for not less than one or more than sixteen weeks of disqualification (in addition to the waiting period). The Commission shall determine the number of weeks of disqualification in each case according to the seriousness of the misconduct.

(3) Failure to Apply for or to Accept Suitable Work.--If the Commission finds that he has failed without good cause either to apply for available suitable work when so directed by the employment office or the Commission or to accept available work when offered him by the employment office or the employer; or to return to his customary self-employment, if any, when so directed by the Commission. Such ineligibility shall continue for the week in which such failure occurred and for not less than one or more than five weeks of disqualification (in addition to the waiting period). Number of weeks shall be determined by the Commission according to the circumstances in each case.

In determining whether or not any work is suitable for an individual, the Commission shall consider the following: (a) degree of risk involved to his health, safety, and morals; (b)physical fitness and prior training (c) experience and prior earnings; (d) length of unemployment and prospects for securing local work in his customary occupation; (e) distance of the available work from his residence.

Notwithstanding any other provisions of this Act, no work shall be deemed suitable, and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(4) Labor Dispute.--For any week with respect to which the Commission finds that his total or partial unemployment is directly due to a labor dispute in active progress in the factory, establishment, or other premises at

which he is or was last employed; provided that this subsection shall not apply if it is shown to the satisfaction of the Commission that: (a) he is not participating in, or financing, or directly interested in such labor dispute; (b) he does not belong to a grade or class of workers of which, immediately before he became unemployed by reason of such dispute, there were members employed at the premises at which the dispute exists, any of whom are participating in, or directly interested in such dispute. If in any case separate branches of work, which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each such department shall for this purpose, be deemed to be a separate factory, establishment or other premises.

(5) Eligibility of Veterans.--An applicant who has been terminated from the Armed Forces shall not be ineligible for benefits by reason of any act or cause of action occurring prior to the date of his entry into such service.

(6) Receipt of Other Benefits.--An applicant shall be ineligible for benefits for any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of another State or of the United States. If the appropriate agency of such other State or of the United States finally determines that he is not entitled to such unemployment benefits, this disqualification shall not apply.

An applicant who has completed a period of military service to whom payments with respect to unemployment are payable by the United States, shall be disqualified for benefits under this Act with respect to any week of unemployment until he has exhausted all his rights to such payments from the United States.

Where to Apply for Benefits.--Register at the local United States Employment Service Office immediately upon becoming unemployed.

ORGIA

Source: Georgia Unemployment Compensation Law (original act effective March 29, 1937; latest amendment effective April 1, 1945).

Fishermen and Allied Workers Covered.--These workers are covered under the Georgia Unemployment Compensation Law as full-time workers according to a statement of January 4, 1945, signed by the Director, Bureau of Unemployment Compensation, which is quoted, in part, as follows:

" . . . . fishermen are considered as engaged in covered employment under the Georgia Unemployment Compensation Law on the same basis as workers in any other type of employment not specifically excluded by the law. . . . This agency has never determined any employer liable whose workers were performing services as an officer or member of the crew of a vessel. The provisions of Section 54-657 (h) (7) (D) of the Code of Georgia have been interpreted as excluding from coverage all workers engaged in performing such services on the navigable waters of the United States. No employing unit has been determined to be a liable employer whose workers performed services as an officer or a member of the crew of a vessel on non-navigable waters."

By an amendment effective April 1, 1945, a proviso was added to the exemption relating to "Service performed as an officer or a member of the crew on the navigable waters of the United States" stating that the Commissioner of Labor may revoke the exemption and prescribe conditions of coverage when deemed appropriate. It was contemplated that he should do so provided adjoining and neighboring States took such action, thereby protecting the interests of the people of Georgia involved.

According to a General Counsel opinion, officers and members of the crew engaged in navigating a vessel in navigable waters engaged in fishing are not covered. Any persons on a fishing vessel not engaged in navigating the vessel but engaged in gathering, shucking, transporting, packing, selling, or otherwise handling oysters are covered. The owner or operator of a commercial fishing vessel is not liable with respect to any person who may gather oysters and crabs on his own account, using boats of his own, who sells his product to the commercial fishery vessel. Any such individual fisherman who may use boats of the owner or operator of commercial vessels is a covered employee of the owner or operator of the commercial vessel.

Oyster raising and cultivating is included within the agricultural labor exemption and therefore is not covered.

Employment Not Covered.--Services of: (a) casual labor not in the usual course of the employer's trade or business; (b) officers or members of a crew of a vessel on the navigable waters of the United States except as the Commissioner of Labor may otherwise determine; (c) family services; (d) fishermen's cooperatives if performed by a student; if remuneration in any calendar quarter does not exceed $45.

Employers Covered.--Those having 8 or more employees in any 20 weeks in the current calendar year.

Eligibility of Employees

(1) Minimum amount of earnings necessary - $100, or 25 times minimum weekly benefit amount.
(2) Waiting period - two weeks of full unemployment before receiving benefits. These weeks need not be consecutive.

Payments

(1) Maximum and minimum weekly benefit payments - $18 is the maximum amount any applicant may receive weekly, and $4 is the minimum amount that may be received weekly as unemployment benefits, less wages, if any, in excess of $3.
(2) The maximum number of weekly benefits that any applicant may receive is sixteen.

Contributions

(1) Employers contribute from 1% to 2.7% of wages (not in excess of $3000) paid to each employee. Rates of contributions are adjusted by the Department according to records of employment experience.
(2) Employees contribute no part of their wages toward unemployment benefits.

Disqualifications for Benefits.--Applicants are disqualified in the following cases:

(1) Leaving Work Voluntarily.--For the week or part of the week in which the

applicant has left work voluntarily without good cause and for not less than two and not more than the eight weeks of unemployment immediately following that week. The number of weeks would be determined by the Commissioner. The period of disqualification does not include the waiting period.

(2) Discharge or Suspension for Misconduct.--For the week or part of the week in which the applicant has been discharged or suspended for misconduct in connection with his most recent work and for not less than the three and not more than the ten consecutive weeks of unemployment immediately following the week in which the misconduct occurred. In addition to the foregoing disqualification, there shall be charged against the benefits to which the individual is entitled under section 3 (d) hereof, an amount equal to the amount such individual would have actually been paid as benefits during the first three weeks of said disqualification and, in the discretion of the Commissioner, for any additional week of disqualification as set forth above, were he otherwise eligible except for this disqualification. The length of time or number of weeks of disqualification would be determined by the Commissioner in each case. The period of disqualification would not include the waiting period.

(3) Failure to Apply for or to Accept Available Suitable Work.--If the applicant has failed without good cause to apply for available suitable work when so directed by an employment office or by the Commissioner, or to accept suitable work when offered him, or to return to his customary self-employment if and when so directed by the Commissioner. The disqualification shall continue for the week in which the failure occurred and for not less than two and not more than the eight consecutive weeks of unemployment immediately following that week. The length of time would be determined by the Commissioner according to the circumstances in each case. The period of disqualification does not include the waiting period.

In determining whether or not any work is suitable for an individual, the Commissioner shall consider the following: (a) degree of risk involved to the applicant's health, safety, and morals; (b) his physical fitness and prior training; (c) his experience and earnings; (d) his length of unemployment and prospects of securing local work in his usual occupation; (e) the distance of the available work from his residence.

No work shall be considered suitable and benefits shall not be denied to any otherwise eligible applicant for refusing to accept new work under any of the following conditions: (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if wages, hours, or other working conditions offered are less favorable to the individual than those prevailing in the locality for similar work; (c) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(4) Labor Dispute.--For any week wherein the Commissioner finds that the applicant's total or partial unemployment is due to a work stoppage which exists because of a labor dispute at the factory, establishment, or other premises where the applicant is or was last employed. However, this disqualification shall not apply if it is shown to the

satisfaction of the Commissioner that: (a) applicant is not participating in, or financing, or directly interested in the labor dispute which caused the stoppage of work: (b) applicant does not belong to a grade or class of workers of which, immediately before commencement of the stoppage, there were members employed at the premises at which stoppage occurred any of whom were participating in, financing, or directly interested in the dispute. If there are separate branches of work which are commonly conducted as separate businesses or departments in the same premises, each such department shall, for this purpose, be considered a separate factory, establishment, or other premises.

(5) Receipt of Other Compensation.--For any week with respect to which he is receiving or has received money in the form of wages instead of dismissal notice; or for temporary partial disability under the Workmen's Compensation Law of any State or under any similar law of the United States; old age insurance benefits under Title II of the Social Security Act, as amended, or similar payments under any Act of Congress. However, if such benefits are less than what would be received under the Unemployment Insurance Law, the applicant shall be entitled to the difference. If an applicant has received or is seeking unemployment compensation under an unemployment compensation law of another State or of the United States, he is not eligible for benefits.

Where to Apply for Benefits.--Register at the local United States Employment Office immediately upon becoming unemployed.

FLORIDA

Source: Florida Unemployment Compensation Law, effective June 9, 1937; subsequent amendments (latest effective June 1, 1945).

Fishermen and Allied Workers Covered.--These workers are covered under the Florida Unemployment Compensation Law, to the extent indicated in statements issued on January 1, and October 1, 1945, by the Assistant General Counsel, Florida Industrial Commission, quoted, in part, as follows:

" . . . . The Florida Law also exempts from the term employment, services performed as an officer or member of a crew of a vessel on the navigable waters of the United States. This question has not been raised in Florida with reference to the status of fishermen. However, it is the conclusion of this office that the crew of a vessel contemplates only those individuals necessary to the navigation or operation of a vessel and does not contemplate services by individuals performed on or off the vessel and not incidental to its navigation, operation or upkeep. If the services performed by fishermen are performed by such individuals as members of the crew of the vessel on which such services are performed, they would probably be exempt. Information as to actual method of operation in Florida with reference to the fishing industry indicates that in most instances fishermen are usually members of the crew of the vessel upon which the fishing is carried on. Such vessels usually operate upon the navigable rivers of the United States."

It further states that there have been no cases in Florida in which the status of fishermen was involved other than a decision holding that a crab fisherman who was furnished a boat by a packing company fished when, where, and as he pleased and sold the catch to the packing company, was not an employee but an independent contractor and therefore exempt from the provisions of the Florida law.

Seasonal workers are also included in this coverage. (The seasonality provisions of the Florida law apply only to the citrus industry.)

Allied workers engaged in the commercial processing and packing of fish, etc., are covered.

Employment Not Covered.--Services of: (a) casual labor not in the course of the employer's trade or business; (b) officers or members of a crew of a vessel on the navigable waters of the United States; (c) family services; (d) fishermen's cooperatives if performed by students; if remuneration in any calendar quarter does not exceed $45.

Employers Covered.--Those having eight or more employees in any 20 weeks in either the preceding or the current calendar year; all employers with a quarterly payroll of $5000.

Eligibility of Employees

(1) Minimum amount of earnings necessary - $150, or 30 times weekly minimum benefit amount.
(2) Waiting period - an applicant must wait one week of full unemployment to receive benefits. There is, however, no waiting period for applicants terminated from Military Service.

Payments

(1) Maximum and minimum weekly benefit payments - $15 is the maximum amount that applicant may receive weekly and $5 is the minimum that may be received weekly as unemployment benefits less wages, if any, in excess of $2.
(2) Maximum number of weeks payable - sixteen weeks. If 25 percent of wages in first four of last five quarters (base period) is the lesser amount, that amount constitutes maximum total benefits to be paid.

Contributions

(1) Employers contribute .7% to 2.7% of wages paid (not in excess of $3000) to each employee. Rates of contributions are adjusted by the Commission according to the employer's employment record.
(2) Employees contribute no part of wages toward unemployment benefits.

Disqualifications for Benefits.--Applicants are disqualified in the following cases:

(1) Leaving Work Voluntarily or for Misconduct.--For the week in which applicant left work without good cause or was discharged for misconduct connected with his job and for not more than twelve weeks immediately following the week in which the act occurred. The Commission will treat each case according to the circumstances. In any event, such disqualifications will continue until applicant is reemployed and has earned at least ten times his weekly benefit amount in reemployment.

(2) Refusing to Apply for or to Accept Suitable Work.--If the Commission finds that the applicant has failed without good cause either to apply for available suitable work when directed by the Employment Office or the Commission, or to accept suitable work when offered by the Employment Office or the Commission, or to return to his customary self-employment, if any, when so directed, such disqualification shall continue for the week in which he refused to accept work, and for not more than five weeks immediately following said week. Each case will be determined separately by the Commission according to the circumstances. In any event, such disqualification will continue until applicant is reemployed and has earned at least ten times his weekly benefit amount in reemployment.

In determining whether or not any work is suitable, the Commission shall consider the following: (a) degree of risk involved to applicant's health, safety, and morals; (b) physical fitness and prior training; (c) experience and prior earnings; (d) length of unemployment and prospects for securing local work in applicant's customary occupation; (e) distance of available work from applicant's residence. The position which an applicant has voluntarily left without good cause attributable to the employer will be considered suitable employment, and an applicant who refused an offer of reemployment from a former employer will be disqualified to the same extent as one who voluntarily leaves without good cause or is discharged for misconduct.

(3) Receipt of Other Compensation.--For any week in which the applicant is receiving or has received money in the form of: (a) wages as a dismissal notice; (b) money as compensation for temporary partial disability under the Workmen's Compensation Law of any State or under a similar law of the United States; (c) primary insurance benefits under Title II, Social Security Act, or similar payments under any Act of Congress. If the amount received for dismissal wages or for partial disability or for old age insurance benefits is less than the amount which would otherwise be due under the unemployment compensation law, the applicant shall be entitled to receive the benefits reduced by the amount received. (d) An applicant terminated from Military Service who is receiving Federal unemployment benefits shall be disqualified for any week with respect to which such benefits are received unless such payments are less than his weekly benefit amounts he otherwise would receive in which case he is entitled to receive the difference, plus $2. (e) If he has received or is seeking unemployment benefits under the unemployment compensation law of another State or of the United States until and if applicant is denied benefits under another State or Federal unemployment laws.

(4) Labor Dispute.--For any week where the Commission finds that applicant's total or partial unemployment is due to a labor dispute in active progress which exists at the factory, establishment or other premises at which he is or was last employed. However, this disqualification shall not apply if it is shown to the satisfaction of the Commissioner that applicant: (a) is not participating in, or financing, or directly interested in the labor dispute which is in active progress (the payment of regular union dues shall not be construed as financing a labor dispute within the meaning of this section); (b) that applicant does not belong to a grade or class of workers which immediately before the

starting of the labor dispute were members employed on the premises, any of whom participated in, or financed, or were directly interested in the dispute. Separate branches of work commonly conducted as separate businesses in separate premises or separate departments of the same premises, shall be considered as separate factories or establishments.

(5) False Statement.--Applicant is disqualified for a period of one year for the making of any false or fraudulent statement for the purpose of obtaining any benefits under the provisions of this law.

(6) The provisions relating to disqualifying acts committed by persons prior to entry into military service shall not apply to any such persons after termination of their military service.

Where to Apply for Benefits.--Register at the local United States Employment Office immediately upon becoming unemployed.

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